

AMENDED IN ASSEMBLY JUNE 1, 2007

AMENDED IN ASSEMBLY MAY 8, 2007

AMENDED IN ASSEMBLY MARCH 22, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 124

Introduced by Assembly Member Price
(Coauthors: Assembly Members Beall, Dymally, and Krekorian)
(Coauthor: Senator Kuehl)

January 10, 2007

An act to add Section 226.8 to the Labor Code, relating to employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 124, as amended, Price. Meal and rest periods.

Existing law authorizes the Industrial Welfare Commission to adopt orders respecting wages, hours, and working conditions.

Existing law also prohibits an employer from requiring an employee to work during a meal or rest period mandated by the commission. Any employer that requires an employee to work during a meal or rest period mandated by an order of the commission is required to pay the employee one hour's pay for each workday that the meal or rest period is not provided.

This bill would extend the protections afforded to employees covered by an order of the commission to pool lifeguards and stage assistants who are employed by the state or any political subdivision thereof, *to the extent not in conflict with the provisions of a memorandum of understanding reached between an employer and a recognized employee organization, as specified.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 226.8 is added to the Labor Code, to
2 read:
3 226.8. (a) Notwithstanding any other provision of law, pool
4 lifeguards and stage assistants employed by the state or any
5 political subdivision thereof, including any city, county, or special
6 district, shall not be required by their employer to work during any
7 meal or rest period required for non-exempt employees by Section
8 512 or by an order of the Industrial Welfare Commission.
9 (b) If an employer fails to provide an employee a meal or rest
10 period in accordance with subdivision (a), the employer shall pay
11 the employee one additional hour of pay at the employee's regular
12 rate of compensation for each workday that the meal or rest period
13 is not provided.
14 (c) *If any provision of this section is in conflict with the*
15 *provisions of a memorandum of understanding reached between*
16 *an employer and a recognized employee organization, the*
17 *memorandum of understanding shall be controlling without further*
18 *legislative action, except that, with respect to a memorandum of*
19 *understanding reached pursuant to Section 3517.5 of the*
20 *Government Code, the provisions shall not become effective until*
21 *approved by the Legislature in the annual Budget Act.*